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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HALLER

Serial No.: 10/722,002

Unit: 3753

Filed: November 25, 2003

Attorney Docket: TFR0188

Examiner: Duong, Tho V

Re: Heat Exchanger with Thermal Inertia for a Heat Transfer Fluid Circuit, Particularly of a Motor Vehicle.

ELECTION REQUIREMENT PURSUANT TO 35 U.S.C. 121

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

October 19, 2005

This response addresses the Election/Restriction requirement dated September 22, 2005 with respect to the above-identified patent application.

Applicants elect with traverse to proceed with the claims below.

Examiner has indicated that the claims of the present invention are directed to patentably distinct species A, B and C, as to different type of heat exchangers, and to tube species of Figures 3, 7, 8, 9, 10. Claim 1 was deemed generic.

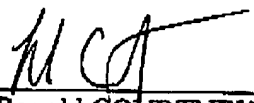
Applicants respectfully submit, that as indicated in the specification, the present invention allows, for example, as a feature of all heat exchangers claimed, for a heat exchanger having cavities for a heat exchanger fluid adjacent to heat transfer fluid circulation ducts. Therefore, Examiner's categorization as 'different' heat exchangers is not clear. Also, in heat exchangers, a search for different tube cavity arrangements would not be a substantial burden. Therefore, Applicants respectfully traverse the requirement for restriction, agree that claim 1 is generic, and request allowance on that basis.

If the Examiner maintains this restriction, Applicants elect to proceed with Claims 1, 2, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 and elect Species B, Figure 11, and tube species, Figure 10, as identified by the Election/Restriction requirement, for continued prosecution.

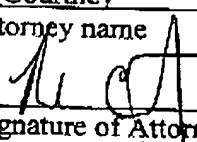
If the Examiner has any questions with respect to this communication, the Examiner is kindly urged to call the undersigned.

If for some reason, Applicants have not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this is a request for an extension of the required time period and/or authorization to charge our deposit account No. 50-2698 for any fee which may be due.

Respectfully submitted,

By: 
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I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, Alexandria VA, 22313-1450 on October 19, 2005

R. Courtney 34,805
Attorney name Registration No.

Signature of Attorney